

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT
CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

TELEPHONE
215-597-2995

April 18, 2018

Kate Barkman, Clerk of Court
United States District Court
2609 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1796

Re: Moore v. Giorla, et al.
E.D. Pa. No. 2-14-cv-03873

Dear Ms. Barkman:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached notice of appeal from the District Court Memorandum Opinion (#67), Order (#68) and Judgment (#69) entered 3/28/18 which was filed with this office in error. See Rule 3(a)(1), Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. **The notice was postmarked 4/6/18 and should be docketed as of that date.**

This document is being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Upon receipt of the document, kindly process it according to your Court's normal procedures. ~~If your office has already received the same document, please disregard the enclosed copy to prevent duplication.~~

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Thank you for your assistance in this matter.

Very truly yours,

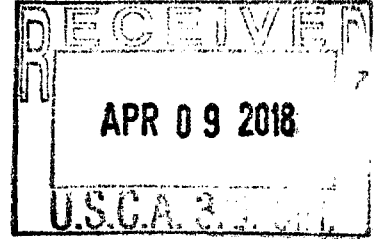
By: /s/ Patricia S. Dodszuweit
Clerk

PSD/tyw

Enclosure

cc: (Troy Lamont Moore, Sr.w/out enclosure)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA



TROY LAMONT MOORE, SR.,	:	CIVIL ACTION
	:	NO. 14-3873
Plaintiff,	:	
	:	
V.	:	
	:	
LOUIS GIORLA, et al.	:	
	:	
Defendants.	:	

NOTICE OF APPEAL

This is an appeal relating to the District Court decision dated 28 March 2018. The District Court has erred in deviating from its order dated 8 Feb 2016, regarding civil action No. 14-3873, Plaintiff Moore's claim against "Defendant Walden" was dismissed without prejudice in the order dated 18 Dec 2015. Plaintiff has now correctly identified this defendant as "Corrections Officer Saajida Walton". Judge Robreno noted in this order that the new civil action [No. 16-0242] was opened in error and instructed the clerk to close the action [16-0242] and the complaint shall be docketed as an amended complaint pursuant to action [No. 14-3873]. The court continued by stating the amended complaint is to be filed and the summons to be issued upon the defendant by the U.S. Marshals Service. See attached reproduced order as [EXHIBIT A]

ARGUMENT

On 24 July 2017, the District Court ordered a telephone conference to consider Defendant Walton's motion to dismiss with the Honorable Judge Eduardo C. Robreno. Aaron Shotland, Esq. was to make the appropriate arrangements to make available, by telephone, Plaintiff/prisoner Troy Lamont Moore Sr. [inmate No. : MX-9664]. After hearing and reviewing opposing arguments, Judge Robreno [on record] ruled against Defendant Walton's motion on the grounds that Plaintiff Moore utilized every possible means to correctly identify Defendant Walton with due diligence and the statute of limitations was met. Refer to 8 Feb 2016 order [EXHIBIT A] and 14 June 2017 conference order [EXHIBIT B], declaring the [16-0242] civil action was opened in error, shall be closed and the [14-3873] civil action shall stand as an amended complaint correctly identifying Defendant Walton.

Plaintiff Moore demands that the transcripts be transmitted to the 3rd Circuit Court for inspection. SEE ATTACHED REPRODUCED ORDER AS [EXHIBIT B].

RELIEF

Wherefore, the Plaintiff prays that the 3rd Circuit Court remands this action to the District Court with instruction to correct it's error of not being time barred and schedule for trial.

" EXHIBIT A "

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, SR.

FILED

CIVIL ACTION

v.

FEB 10 2016

CORRECTIONS OFFICER S. WALTON

NO. 16-0242

ORDER

AND NOW, this 8 day of February 2016, because it appears that this complaint was opened in error¹, it is hereby ORDERED that the Clerk shall CLOSE this action, and plaintiff's complaint shall be docketed as an amended complaint in Civil Action No. 14-3873. The amended complaint is to be filed and the summons is to be issued. Service of the summons and the complaint is to be made upon the defendant by the U.S. Marshals Service.

BY THE COURT:


EDUARDO C. ROBRENO, J.

ENTERED
FEB 10 2016
CLERK OF COURT

¹ In Civil Action No. 14-3873, plaintiff's claims against "Defendant Walden" were dismissed without prejudice in my Order dated December 18, 2015. Plaintiff has now correctly identified this defendant as "Corrections Officer S. Walton".

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, SR. : CIVIL ACTION
:
VS. : NO.: 14-CV-03873
:
LOUI9S GIORLA, ET AL. :

O R D E R

AND NOW, on this 14th day of June, 2017, it is hereby ORDERED that a telephone conference to consider Defendant's Motion to Dismiss (ECF No.: 59) will be held on July 24, 2017 at 2:00 p.m. with the Honorable Eduardo C. Robreno. Aaron Shotland, Esquire, shall make the appropriate arrangements to make available, by telephone, plaintiff/prisoner Troy Lamont Moore, Sr. (Inmate No.: MX-9664). Once all parties are on the line, the call should be placed directly to the Judge's Chambers, on the date and time above, at 215-597-4073.

IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.

CERTIFICATE OF SERVICE

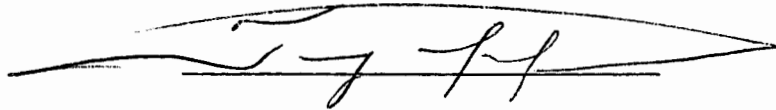
I, Troy L. Moore Sr., hereby certify that on 9 April 2018, I caused to be served a true and correct copy of the foregoing document titled Argument and Relief by Troy L. Moore to support motion for appeal to the following :

VIA U.S. MAIL :

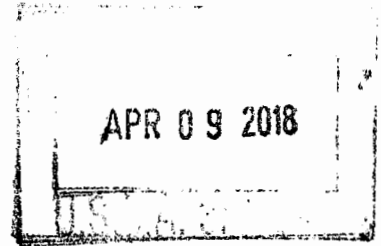
Aaron Shotland
City of Philadelphia Law Dept.
1515 Arch St., 14TH FL.
Phila, Pa. 19101

Respectfully Submitted,

Troy L. Moore Sr. (MX-9664)
SCI Forest CB-1030
Po Box 945
Marienville, Pa. 16239

A handwritten signature in dark ink, appearing to read 'Troy L. Moore Sr.', is written over a horizontal line.

APRIL 9, 2018



Office of the clerk
United States Court of Appeals
21400 U.S. Courthouse
601 Market Street
Philadelphia, Pa. 19106

INRE : MOORE V. GIORLA, et al.

CIVIL ACTION NO. 14-3873

Dear Clerk,

Enclosed please find a copy of notice of appeal along with a declaration to be filed timely. Please forward me the Informa Pauperis to complete and be filed. Thank you in advance for your time and consideration on the above stated matter.

Respectfully Submitted,

Troy L. Moore Sr. (MX-9664)
SCI Forest CA-1030
Po Box 945
Marienville, Pa. 16239

Inmate Name TROY L. MOORE SR. DC# MX-9664
Housing Unit: CA-1030
SCI Forest
PO Box 945
Marienville, PA 16239

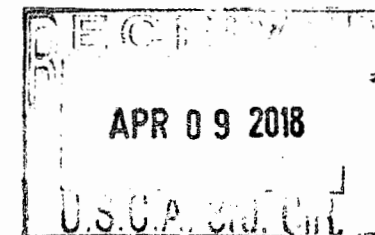
INMATE
MAIL

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Office of the Clerk
United States Court of Appeals
21400 U.S. Courthouse
~~601 Market Street~~
Philadelphia, Pa. 19106



Inmate Mail Dept. of Corrections
1910631790 C019

